

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

McGIVNEY & KLUGER, P.C.

Mary F. Higgins (No. 4179)
1001 North Jefferson Street, Suite 208
Wilmington, DE 19801
(302) 225-0458 – Telephone
(302) 777-4111 – Facsimile
Attorneys for Defendant

RAYMOND W. COBB and RAYMOND W.
COBB, LLC, A Delaware Limited Liability
Company,

Plaintiffs,

vs.

McGIVNEY & KLUGER, P.C., A Foreign
Professional Corporation

Defendant.

**NOTICE OF REMOVAL TO FEDERAL
COURT**

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF DELAWARE**

Defendant McGivney & Kluger, P.C., by and through the undersigned attorneys, files this Notice of Removal of the above-entitled action from the Superior Court of Delaware-New Castle County, and respectfully submits the following as the bases for removal to this Court pursuant to 28 U.S.C. §1441, *et seq.* and 1446(a):

Introduction

1. Plaintiffs have initiated this action in the Superior Court of Delaware-New Castle County, alleging that plaintiffs Raymond W. Cobb, LLC and Raymond W. Cobb, Esq., entered into a contract with defendant McGivney & Kluger, P.C. (“MK”).

2. Copies of the plaintiffs' Summons and Complaint filed in the state court are annexed hereto as Exhibit A.

3. The matter in state court is known as Cobb v. McGivney & Kluger, P.C., and has been assigned the Civil Action. No. 08C-02-368 TBA.

Bases for Federal Jurisdiction

Diversity of Citizenship

4. At the time of the commencement of this action, plaintiff Raymond W. Cobb, Esq., is an attorney at law of the State of Delaware. Upon information and belief, he resides in Delaware and maintains his principle office c/o Raymond W. Cobb, LLC, 1001 North Jefferson Street, Suite 208, Wilmington, Delaware.

5. Upon information and belief, and at the time of the commencement of this action, plaintiff Raymond W. Cobb, LLC, is a limited liability company established pursuant to the laws of the State of Delaware, and which has a principle office at 1001 North Jefferson Street, Suite 208, Wilmington, Delaware.

6. At the time of the commencement of this action, MK is a professional corporation for the practice of law that is incorporated pursuant to the laws of the State of New Jersey and authorized to do business in Delaware as a foreign corporation, and has its principle office at 23 Vreeland Road, Suite 220, Florham Park, New Jersey.

7. Therefore, there is complete diversity of citizenship between the parties per 28 U.S.C. §1332(a) (1) and (c) (1).

8. MK is not a citizen of Delaware and the action is properly removable to this Court per 28 U.S.C. §1441(a and b).

9. The fact that MK is authorized to do business in Delaware as a foreign corporation does not change the fact that its citizenship for purposes of determining diversity jurisdiction is in New Jersey, the state where (as alleged in the state court complaint, Para. 3) it is incorporated and where its principle place of business is located. “The mere fact that a corporation is doing business or is licensed to do business in a state does not make it a citizen of that state for purposes of diversity jurisdiction.” Jim Walter Investors v. Empire-Madison, Inc., 401 F.Supp. 425, 426-27 (N.D.Ga.1975), Barnett v. Norfolk & Dedham Mut. Fire Ins. Co., 773 F.Supp. 1529, 1531 (N.D.Ga.1991).” Tremble v. Liberty Mut. Ins. Co., 2007 WL 1582759 at *2 (S.D.Ga. 2007). *Accord*, Comfort Realty Corp. v. Balboa Life Ins. Co., 2005 WL 2581483 (M.D.Fla.2005)(mere authority to do business does not establish a state of incorporation or the existence of a principle place of business per 28 U.S.C. 1332(c)(1) necessary for corporate citizenship).

Amount in Controversy

10. In their Complaint, plaintiffs allege that they are owed \$165,025 as a result of MK’s breach of contract by reason of its failure to have paid them pursuant to the contract.

11. Plaintiffs also allege that MK is liable for double damages and attorney’s fees for violation of 19 Del. C. 1101, *et seq.*

12. MK believes that the demand for enhanced damages under Delaware law is frivolous.

13. Nonetheless, the foregoing allegations and statements on behalf of the plaintiffs demonstrate that the amount in controversy herein exceeds \$75,000.

14. Therefore, by reason of the diversity of citizenship between the parties and the amount in controversy, this action could have been initiated in this Court and is removable pursuant to 28 §U.S.C. 1441(a and b).

Venue

15. Pursuant to 28 U.S.C. §1441(a), venue is proper in the United States District Court for the District of Delaware because this District embraces the place where the removed action is pending.

The Notice of Removal Is Timely

16. Plaintiffs purported to provide a courtesy copy of their Complaint, annexed hereto as Exhibit A, upon MK via email prior to formal service, which was received on February 29, 2008.

17. Therefore, the time within which MK may remove this action to this Court has not yet elapsed and this Notice of Removal is filed in a timely manner. 28 U.S.C. §1446(b).

18. As of March 3, 2008, the undersigned has been authorized to accept service of process and an acknowledgment of service will be returned to counsel for plaintiffs following the filing of the within Notice of Removal.

Papers Filed in the State Court

19. The papers annexed as Exhibit A comprise all pleadings, process, orders and other papers filed with the Superior Court of Delaware-New Castle County. 28 U.S.C. §1446(a).

Notice of Filing of Notice of Removal

20. Pursuant to 28 U.S.C. §1446(d), written Notice of the filing of the within Notice of Removal will be served promptly upon counsel for the plaintiffs and will be filed immediately with the Office of Prothonotary of the Superior Court of Delaware, New Castle County, at the New Castle County Courthouse, 500 King Street Wilmington, Delaware, through that Court's electronic filing system. A copy of this Notice of Filing (without Exhibit 1, which will be a copy of the within Notice of Removal) is annexed hereto as Exhibit B.

WHEREFORE, defendant McGivney & Kluger, P.C., hereby removes the state court action known as Cobb v. McGivney & Kluger, P.C., Civil Action. No. 08C-02-368 TBA, in the Superior Court of Delaware, New Castle County.

McGIVNEY & KLUGER, P.C.
Attorneys for Defendant

By: /s/ Mary F. Higgins
Mary F. Higgins

Dated: March 3, 2008

DECLARATION PURSUANT TO FRCP 7.1(a)

I hereby declare under penalty of perjury that defendant McGivney and Kluger, P.C. is: a) a nongovernmental party; b) that it has no parent corporation; and c) that no publicly traded corporation owns 10% or more of its corporate stock or other ownership.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing statements made by me are true and I am aware that if they are willfully false, I am subject to punishment.

/s/ Mary F. Higgins
Mary F. Higgins

Dated: March 3, 2008

EXHIBIT A

SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS)

Filed: Feb 27 2008 10:01 AM EST

Transaction ID 18763199

Case No. 08C-02-368 TBA

COUNTY: N K S

CIVIL ACTION NUMBER:

Civil Case Code CDBT

Civil Case Type Debt/Breach of Contract

(SEE REVERSE SIDE FOR CODE AND TYPE)



<p>Caption:</p> <p>RAYMOND W. COBB and RAYMOND W. COBB, LLC,</p> <p>Plaintiffs,</p> <p>v.</p> <p>MC GIVNEY & KLUGER, P.C.,</p> <p>Defendant.</p>	<p>Name and Status of Party filing document:</p> <p>Raymond W. Cobb, et al., Plaintiffs</p> <p>Document Type:(E.G.; COMPLAINT; ANSWER WITH COUNTERCLAIM)</p> <p>Complaint</p> <p>Non-Arbitration <u>XX</u></p> <p>(CERTIFICATE OF VALUE MAY BE REQUIRED)</p> <p>Arbitration <u> </u> Mediation <u> </u> Neutral Assessment <u> </u></p> <p>DEFENDANT (CIRCLE ONE) ACCEPT REJECT</p> <p>JURY DEMAND Yes <u>XX</u> No <u> </u></p> <p>TRACK ASSIGNMENT REQUESTED (CIRCLE ONE)</p> <p>EXPEDITED STANDARD COMPLEX</p>
<p>ATTORNEY NAME(S):</p> <p>Jeffrey M. Weiner, Esquire</p> <p>ATTORNEY ID(S):</p> <p>#403</p> <p>FIRM NAME:</p> <p>Law Offices of Jeffrey M. Weiner,</p> <p>Address:</p> <p>1332 King Street</p> <p>Wilmington, Delaware 19801</p> <p>TELEPHONE NUMBER:</p> <p>(302) 652-0505</p> <p>FAX NUMBER:</p> <p>(302) 652-7824</p> <p>E-MAIL ADDRESS:</p> <p>LegalW@aol.com</p>	<p>IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS</p> <p>EXPLAIN THE RELATIONSHIP(S):</p> <p>P.A.</p> <p>OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT:</p> <p>(If ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGE)</p>
<p>THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER, OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.</p>	

Revised 5/2002

EFiled: Feb 27 2008 10:01
Transaction ID 18763199
Case No. 08C-02-368 TBA
SUMMON



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

RAYMOND W. COBB and :
RAYMOND W. COBB, LLC, a Delaware :
Limited Liability Company, : C.A. No. 08C-02-
 :
Plaintiffs, : NON-ARBITRATION
v. :
 : JURY TRIAL OF 12 DEMANDED
MCGIVNEY & KLUGER, P.C., a :
Foreign Professional Corporation, :
 :
Defendant. :

THE STATE OF DELAWARE,
TO THE SHERIFF OF KENT COUNTY
YOU ARE COMMANDED:

To summon the above named defendant so that, within 20 days after service hereof upon defendant, exclusive of the day of service, defendant shall serve upon Jeffrey M. Weiner, Plaintiff's attorney, whose address is 1332 King Street, Wilmington, Delaware 19801, an answer to the Complaint (and, if the Complaint contains a specific notation requiring the Defendant to answer any or all allegations of the Complaint by affidavit, an affidavit of defense).

To serve upon Defendant a copy hereof and of the Complaint.

Dated:

SHARON AGNEW
Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on Plaintiff's attorney named above an answer to the Complaint (and, if the Complaint contains a specific notation requiring the Defendant to answer any and all allegations of the Complaint by affidavit, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the Complaint.

SHARON AGNEW
Prothonotary

Per Deputy

EFiled: Feb 27 2008 10:01 AM EST
Transaction ID 18763199
Case No. 08C-02-368 TBA




IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

RAYMOND W. COBB and	:	
RAYMOND W. COBB, LLC, a Delaware	:	
Limited Liability Company,	:	C.A. No. 08C-02-
	:	
Plaintiffs,	:	NON-ARBITRATION
	:	
v.	:	JURY TRIAL OF 12 DEMANDED
	:	
MCGIVNEY & KLUGER, P.C., a	:	
Foreign Professional Corporation,	:	
	:	
Defendant.	:	

PRAECIPE

PLEASE ISSUE a Summons and serve a copy of the Complaint upon Defendant, McGivney & Kluger, P.C. by serving the Secretary of the State of Delaware pursuant to 10 Del.C. §3104.


/s/ JEFFREY M. WEINER, ESQUIRE #403
JEFFREY M. WEINER, ESQUIRE #403
1332 King Street
Wilmington, Delaware 19801
(302) 652-0505
Counsel for Plaintiffs

DATED: February 26, 2008

EFiled: Feb 27 2008 10:01
Transaction ID 18763199
Case No. 08C-02-368 TBA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

RAYMOND W. COBB and	:	
RAYMOND W. COBB, LLC, a Delaware	:	
Limited Liability Company,	:	C.A. No. 08C-02-
	:	
Plaintiffs,	:	NON-ARBITRATION
v.	:	
	:	JURY TRIAL OF 12 DEMANDED
MCGIVNEY & KLUGER, P.C., a	:	
Foreign Professional Corporation,	:	
	:	
Defendant.	:	

COMPLAINT

1. Plaintiff, Raymond W. Cobb is an individual who is a Member of the Bar of the State of Delaware and is a resident of the State of Delaware.

2. Plaintiff, Raymond W. Cobb, LLC is a Limited Liability Company of the State of Delaware and at all time material hereto did business in the State of Delaware.

3. Defendant, McGivney & Kluger, P.C. (hereinafter "M&K"), upon information and belief, at all times material hereto, is a foreign professional corporation formed under the laws of the State of New Jersey, which did business in the State of Delaware but failed to qualify to do so. Service of process may be made upon Defendant M&K by serving the Secretary of the State of Delaware pursuant to 10 *Del.C.* §3104.

4. Beginning on or about January 1, 2007 and continuing thereafter, Defendant employed Plaintiff Raymond W. Cobb as an attorney on behalf of itself and its clients and Defendant agreed to pay Plaintiff at the rate of \$125.00 per hour.

5. Plaintiff Raymond W. Cobb performed legal services on behalf of Defendant and its clients. Plaintiff submitted timesheets and/or bills for the time spent working on matters for Defendant and has made repeated demands for the agreed upon compensation. To date, Defendant has made no payments to either Plaintiff.

COUNT I

6. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 5 of the Complaint as if set forth at length therein.

7. Plaintiff Raymond W. Cobb was employed as an attorney by Defendant on behalf of itself and its clients. Plaintiff and Defendant agreed that Plaintiff would be paid at the rate of \$125.00 per hour. Plaintiff has submitted billing statements and/or time sheets for the time Plaintiff worked which total \$165,025.00.

8. Despite repeated written and oral requests for payment beginning in May, 2007, no wages have been paid Plaintiff. More than 30 days has passed for all demands for payment.

9. Pursuant to 19 *Del. C.* §1101 *et seq.* Plaintiff brings this action for aforementioned wages and the penalties, interest and attorney's fees as provided by the statute.

WHEREFORE, Plaintiff demands judgment in his favor in the amount of \$330,050.00 (wages \$165,025.00 and penalties of \$165,025.00) together with pre- and post-judgment interest at the maximum rate allowed pursuant to 6 *Del. C.* §2301, costs of this suit, and attorney's fees.

COUNT II

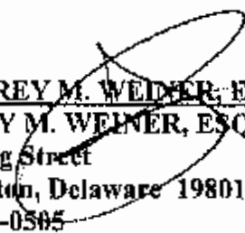
10. Plaintiffs incorporate by reference the allegations contained in Paragraphs 1 through 5 of the Complaint as if set forth at length therein.

11. Plaintiffs and defendant entered into a contract for Plaintiffs to perform legal services for it at the rate of \$125.00 per hour. Plaintiffs performed the requested legal services for Defendant and has submitted invoices for fees and cost totaling \$167,789.62.

12. Defendant, without any justification, and despite demand, has failed to pay any of the invoices submitted and therefore has breached its contract with Plaintiffs.

13. As a further consequence of Defendant's refusal and/or failure to honor its contractual obligations, Plaintiffs have sustained consequential damages in an amount to be determined.

WHEREFORE, Plaintiffs demand judgment in their favor in the amount of \$167,789.62 together with pre- and post-judgment interest at the maximum rate allowed pursuant to 6 *Del.C.* §2301, consequential damages and costs of this suit.


~~/s/ JEFFREY M. WEINER, ESQUIRE #403~~
~~JEFFREY M. WEINER, ESQUIRE #403~~
1332 King Street
Wilmington, Delaware 19801
(302) 652-0505
Counsel for Plaintiffs

DATED: February 26, 2008

EFiled: Feb 27 2008 10:01
Transaction ID 18763199
Case No. 08C-02-368 TBA



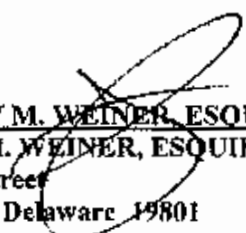
IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

RAYMOND W. COBB and	:	
RAYMOND W. COBB, LLC, a Delaware	:	
Limited Liability Company,	:	C.A. No. 08C-02-
	:	
Plaintiffs,	:	NON-ARBITRATION
	:	
v.	:	JURY TRIAL OF 12 DEMANDED
	:	
MCGIVNEY & KLUGER, P.C., a	:	
Foreign Professional Corporation,	:	
	:	
Defendant.	:	

CERTIFICATE OF VALUE

I, **JEFFREY M. WEINER**, attorney for Plaintiffs Raymond W. Cobb and Raymond W. Cobb, LLC, hereby certify in good faith at this time in my opinion that the sum of damages pled in the Counterclaim is in excess of \$100,000.00 exclusive of costs and interests.


/s/ JEFFREY M. WEINER, ESQUIRE #403
JEFFREY M. WEINER, ESQUIRE #403
1332 King Street
Wilmington, Delaware 19801
(302) 652-0505
Counsel for Plaintiffs

DATED: February 26, 2008

EXHIBIT B

**IN THE DELAWARE SUPERIOR COURT FOR THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

RAYMOND W. COBB, and	:	
RAYMOND W. COBB, LLC, a Delaware	:	C.A. No. 08C-02-368 TBA
	:	
Plaintiffs,	:	
v.	:	
	:	
MCGIVNEY & KLUGER, P.C. a	:	
Foreign Professional Corporation,	:	
	:	
Defendants.	:	

NOTICE OF FILING OF NOTICE OF REMOVAL

TO:

**Office of Prothonotary
New Castle County Courthouse
500 King Street
Wilmington, DE 19801**

**Jeffrey M. Weiner, Esquire
Law Offices of Jeffrey M. Weiner, P.A.
1332 King Street
Wilmington, DE 19801**

PLEASE TAKE NOTICE that on March 3, 2008, defendant McGivney and Kluger, P.C., by and through the undersigned counsel, filed a Notice of Removal in the United States District Court for the District of Delaware, thereby removing this action thereto and prohibiting further proceedings in the Delaware Superior Court unless and until the action is remanded. A true and correct copy of the Notice of Removal is attached hereto as Exhibit 1.

MCGIVNEY & KLUGER, P.C.

Dated: March 3, 2008

By: /s/
Mary F. Higgins (No. 4179)
McGIVNEY
1001 North Jefferson Street, Suite 208
Wilmington, DE 19801
(302) 225-0458 – Telephone
(302) 777-4111 – Facsimile
Pro Se Defendant

Of Counsel:

William D. Sanders, Esq.
MCGIVNEY AND KLUGER, P.C
23 Vreeland Road
Florham Park, NJ 07932
973-822-1110 – Telephone
973-822-1116 - Facsimile

EXHIBIT “1”

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

RAYMOND W. COBB AND RAYMOND W. COBB, LLC

(b) County of Residence of First Listed Plaintiff New Castle
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jeffrey M. Weiner, Esq., 1332 King Street, Wilmington, DE
302-652-0505

DEFENDANTS

McGIVNEY & KLUGER, P.C.

County of Residence of First Listed Defendant New Castle
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

Mary F. Higgins, McGivney & Kluger, P.C., 1001 North
Jefferson Street, Suite 208 Wilmington, DE 302-#

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332

Brief description of cause:

Dispute between New Jersey law firm and supervisor of its Delaware office

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**
330,050.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/03/2008/s/ Mary F. Higgins (Del Bar No. 4179)**FOR OFFICE USE ONLY**

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____